

SENATE JOURNAL

SIXTY-NINTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, January 8, 1985)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Sixty-ninth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the eighth day of January, 1985, at 12:00 o'clock noon.

The Honorable William P. Hobby, Lieutenant Governor and President of the Senate, called the Senate to order.

The Reverend Jeffrey H. Walker, Palmer Memorial Episcopal Church of Houston, offered the invocation as follows:

Almighty God, You have graciously given us this good State for our heritage. We humbly ask that we may always prove ourselves people mindful of Your favor and ready to seek Your will. Bless our State with honest commerce and industry, sound learning, and common justice. Save us from pride and arrogance and from the service of self alone...that we may do the work You give us to do in truth for the common good. In times of prosperity, fill our hearts with thankfulness...and in the day of trouble suffer not our trust in You to fail.

Endue with the spirit of wisdom those to whom in Your name we entrust the authority of government, that there may be justice and peace for all citizens. Father, You are the fountain of wisdom and Your law is truth. We beseech You so to guide and bless those assembled here today in this Senate that they may consider all questions calmly and act wisely and promptly and enact such laws as shall provide for the needs of all our people.

Finally, teach us all as citizens of Texas to rely on Your strength and to accept our responsibilities to our fellow citizens; that we may continue to elect trustworthy leaders and make wise decisions for the well-being of our society; that we may serve You faithfully in our generation and honor Your holy name. Amen.

INTRODUCTION OF INTERPRETERS

The President introduced Mark Seeger and Sha Cowan, provided by the Texas Commission for the Deaf, who continued to interpret the proceedings for deaf visitors seated in the gallery.

ROLL CALL OF PRESENT SENATORS

The President directed the Secretary of the Senate to call the roll of the present Members of the Senate.

The roll was called and the following Senators answered to their names:

The Honorable Chet Brooks, representing the Eleventh Senatorial District composed of: Galveston (part) and Harris (part) counties.

The Honorable Kent A. Caperton, representing the Fifth Senatorial District composed of: Austin, Brazos, Burleson, Colorado, Grimes, Harris (part),

Houston, Leon, Madison, Milam, Montgomery (part), Robertson, Trinity, Walker, Waller, Washington, Wharton and Williamson (part) counties.

The Honorable Don Henderson, representing the Seventh Senatorial District composed of: Fort Bend (part) and Harris (part) counties.

The Honorable Glenn Kothmann, representing the Nineteenth Senatorial District composed of: Bexar (part) County.

The Honorable John N. Leedom, representing the Sixteenth Senatorial District composed of: Dallas (part) County.

The Honorable Oscar H. Mauzy, representing the Twenty-third Senatorial District composed of: Dallas (part) and Tarrant (part) counties.

The Honorable Bob McFarland, representing the Tenth Senatorial District composed of: Dallas (part), Denton (part) and Tarrant (part) counties.

The Honorable Hugh Q. Parmer, representing the Twelfth Senatorial District composed of: Tarrant (part) County.

The Honorable H. Tati Santiesteban, representing the Twenty-ninth Senatorial District composed of: El Paso (part) County.

The Honorable John Sharp, representing the Eighteenth Senatorial District composed of: Aransas, Bastrop, Brazoria (part), Caldwell, Calhoun, De Witt, Fayette, Fort Bend (part), Goliad, Gonzales, Jackson, Karnes, Lavaca, Lee, Matagorda, Refugio, Victoria and Williamson (part) counties.

The Honorable Bill Sims, representing the Twenty-fifth Senatorial District composed of: Bandera, Blanco, Brewster, Coke, Crane, Crockett, Culberson, Edwards, El Paso (part), Gillespie, Glasscock, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, Kinney, Loving, Mason, Medina, Menard, Midland, Pecos, Presidio, Reagan, Real, Reeves, Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, Uvalde, Val Verde, Ward and Winkler counties.

The Honorable John Traeger, representing the Twenty-first Senatorial District composed of: Atascosa, Bee, Bexar (part), Comal, Dimmit, Duval, Frio, Guadalupe, Jim Hogg, LaSalle, Live Oak, McMullen, Maverick, Starr, Webb, Wilson, Zapata and Zavala counties.

The Honorable Hector Uribe, representing the Twenty-seventh Senatorial District composed of: Cameron and Hidalgo (part) counties.

The Honorable Craig A. Washington, representing the Thirteenth Senatorial District composed of: Fort Bend (part) and Harris (part) counties.

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Harris (part) County.

The Honorable Lindon Williams, representing the Sixth Senatorial District composed of: Harris (part) County.

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary of the Senate to call the roll of the Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable Gonzalo Barrientos, representing the Fourteenth Senatorial District composed of: Hays and Travis counties.

The Honorable Roy Blake, representing the Third Senatorial District composed of: Anderson, Angelina, Cherokee, Hardin, Jasper, Montgomery (part),

Nacogdoches, Newton, Polk, Rusk, Sabine, San Augustine, San Jacinto, Shelby and Tyler counties.

The Honorable J. E. "Buster" Brown, representing the Seventeenth Senatorial District composed of: Brazoria (part), Fort Bend (part) and Harris (part) counties.

The Honorable Chet Edwards, representing the Ninth Senatorial District composed of: Dallas (part), Ellis, Falls, Freestone, Henderson, Hill, Limestone, McLennan and Navarro counties.

The Honorable Ray Farabee, representing the Thirtieth Senatorial District composed of: Archer, Baylor, Callahan, Childress, Clay, Cooke, Cottle, Denton (part), Dickens, Fisher, Floyd, Foard, Grayson, Hardeman, Haskell, Jack, Jones, Kent, King, Knox, Mitchell, Montague, Motley, Scurry, Shackelford, Stonewall, Throckmorton, Wichita, Wilbarger and Young counties.

The Honorable Bob Glasgow, representing the Twenty-second Senatorial District composed of: Bosque, Comanche, Denton (part), Eastland, Erath, Hamilton, Hood, Johnson, Palo Pinto, Parker, Somervell, Stephens, Tarrant (part) and Wise counties.

The Honorable O. H. "Ike" Harris, representing the Eighth Senatorial District composed of: Collin (part) and Dallas (part) counties.

The Honorable Ed Howard, representing the First Senatorial District composed of: Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Titus and Upshur counties.

The Honorable Grant Jones, representing the Twenty-fourth Senatorial District composed of: Bell, Brown, Burnet, Coleman, Concho, Coryell, Lampasas, Llano, McCulloch, Mills, Nolan, Runnels, San Saba and Taylor counties.

The Honorable Cynthia Taylor Krier, representing the Twenty-sixth Senatorial District composed of: Bexar (part) County.

The Honorable Ted Lyon, representing the Second Senatorial District composed of: Collin (part), Dallas (part), Fannin, Hunt, Kaufman, Rains, Rockwall, Smith, Van Zandt and Wood counties.

The Honorable John T. Montford, representing the Twenty-eighth Senatorial District composed of: Andrews, Borden, Cochran, Crosby, Dawson, Ector, Gaines, Garza, Howard, Lubbock, Lynn, Martin, Terry and Yoakum counties.

The Honorable Carl A. Parker, representing the Fourth Senatorial District composed of: Chambers, Galveston (part), Harris (part), Jefferson, Liberty, Montgomery (part) and Orange counties.

The Honorable Bill Sarpalius, representing the Thirty-first Senatorial District composed of: Armstrong, Bailey, Briscoe, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher and Wheeler counties.

The Honorable Carlos F. Truan, representing the Twentieth Senatorial District composed of: Brooks, Hidalgo (part), Jim Wells, Kenedy, Kleberg, Nueces, San Patricio and Willacy counties.

I, MYRA A. McDANIEL, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct

list, in alphabetical order, of the members of the Senate of the 69th Legislature, 1985, whose election on November 6, 1984 has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this 8th day of January, A.D. 1985.

/s/MYRA A. McDANIEL Secretary of State

The President announced a quorum of the Senate present.

APPOINTMENT OF TEMPORARY OFFICERS

The President announced the appointment of the following as temporary officers of the Senate:

Secretary of the Senate	- Betty King
Sergeant-at-Arms	- Steve Guest
Calendar Clerk	- Kay Hughes
Enrolling Clerk	- Patsy Spaw
Journal Clerk	- Margrette Vollers
Doorkeeper	- Jim Morris

OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT

The President requested the Senators-elect to proceed to the Bar of the Senate.

The Honorable John L. Hill, Chief Justice of the Supreme Court of Texas, administered the Constitutional Oath of Office to the Senators-elect.

SENATE RESOLUTION 1 (Caucus Report)

Senator Brooks offered the following resolution:

Honorable William P. Hobby
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 30 members of the Senate, the following recommendations were made, to wit:

The following officers were elected to serve for the 69th Legislature, Regular Session, at the will of the Senate:

Secretary of the Senate	- Betty King
Sergeant-at-Arms	- Steve Guest
Doorkeeper	- Jim Morris
Calendar Clerk	- Kay Hughes
Enrolling Clerk	- Patsy Spaw
Journal Clerk	- Margrette Vollers

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 69th Legislature, Regular Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee

respectively. The Parliamentarian, Camilla Bordie, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, elevator operators, porters and other employees as may be necessary. The President of the Senate is authorized to designate any member of the Senate or Senate staff to attend official meetings of the Council of State Governments or other national governmental organization during the 69th Legislature, Regular Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips.

It is further recommended that each Senator shall be permitted \$13,500.00 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month until the convening of the 70th Legislature at which time the balance lapses. The following classification schedule shall apply for staff employees:

<u>Title</u>	<u>Class Number</u>	<u>Group</u>	<u>Salary and Step Range</u>
Messenger	0011	02	921(4)- 949(5)- 979(6)
Clerk Typist II/ Clerk II	0106	04	949(1)- 979(2)-1008(3)
Secretary II Clerk III/	0133	05	1142(5)-1177(6)-1215(7)
Research Tech II	0055	06	1074(1)-1107(2)-1142(3)
Secretary III	0135	07	1142(1)-1177(2)-1215(3)
Admin. Secretary	0138	09	1295(1)-1336(2)-1378(3)
Info. Spec. I	1892	14	1790(1)-1850(2)-1912(3)
Admin. Tech. I	1501	08	1215(1)-1255(2)-1295(3)
Journalist I	1859	10	1378(1)-1423(2)-1471(3)
Admin. Tech. II/ Research Asst. I	1502	11	1471(1)-1520(2)-1570(3)
Journalist II	1860	12	1570(1)-1622(2)-1676(3)
Admin. Tech. III	1503	13	1676(1)-1732(2)-1790(3)
Attorney I	3531	14	1790(1)-1850(2)-1912(3)
Admin. Tech. IV/ Attorney II	1504	15	1912(1)-1976(2)-2041(3)
Info. Spec. II	1893	16	2041(1)-2110(2)-2179(3)
Admin. Asst.	1506	17	2179(1)-2254(2)-2329(3)
Attorney III	3533	17	2179(1)-2254(2)-2329(3)
Research Asst. II	1517	13	1676(1)-1732(2)-1790(3)
Info. Spec. III	1864	18	2406(1)-2487(2)-2571(3)
Legal Clerk V/ Legal Counselor	3605	19	2571(1)-2655(2)-2744(3)
Research & Info. Specialist	1866	21	2931(1)-3029(2)-3131(3)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act upon authorization of the Administration Committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund and be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone

and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 2,000 Journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily Journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the 69th Legislature as follows: the Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at 8 a.m., and 1 p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of said standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of 30 minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such 30-minute period.

Respectfully submitted,

/s/Chet Brooks
Chairman of the Caucus

/s/Oscar Mauzy
Secretary of the Caucus

The resolution was read and was adopted.

OATH OF OFFICE ADMINISTERED TO OFFICERS

The President directed the officers of the Senate named in the Caucus Report to proceed to the Bar of the Senate.

The Honorable John L. Hill, Chief Justice of the Supreme Court of Texas, administered the Constitutional Oath of Office to the officers.

SENATE RESOLUTION 7

Senator Mauzy offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 68th Legislature are adopted as the Temporary Rules of the Senate of the 69th Legislature with the following modifications:

Subsections (a), (b), and (c) of Senate Rule 94 are revised to read as follows:

(a) At the beginning of each regular session, the President shall appoint the following special committees and standing committees with the number of Members indicated:

SPECIAL COMMITTEES

- (1) Committee on Administration (11 members)
- (2) Committee on Nominations (7 members)

STANDING COMMITTEES

- (1) Committee on Economic Development (11 members)
- (2) Committee on Intergovernmental Relations (11 members)
- (3) Committee on Education (11 members)
- (4) Committee on Jurisprudence (7 members)
- (5) Committee on the Criminal Justice System (7 members)
- (6) Committee on Finance (13 members)
- (7) Committee on State Affairs (13 members)
- (8) Committee on Health and Human Resources (9 members)
- (9) Committee on Natural Resources (11 members)

(b) The President may appoint additional special committees and may appoint subcommittees within standing committees with the consent of two-thirds of the Members of the Senate.

(c) The President shall designate the chair and vice-chair of each committee and subcommittee. For each standing committee with more than 10 members the President must appoint at least four Senators who served on the committee during the previous legislative session. A Senator may not serve on more than three standing committees and may chair only one committee. A Senator may serve on only one subcommittee within a standing committee.

BE IT FURTHER RESOLVED by the Senate of the State of Texas, That for the regular session of the 69th Legislature the President shall appoint the following subcommittees within the designated standing committees:

- (1) Committee on Health and Human Resources
Subcommittee on Health Services (5 members)
- (2) Committee on Natural Resources
Subcommittee on Agriculture (5 members)
Subcommittee on Water (5 members)

BE IT FURTHER RESOLVED by the Senate of the State of Texas That during the regular session of the 69th Legislature the provisions of Article III, Section 5,

of the Texas Constitution governing periods of time for the introduction of bills and resolutions, committee hearings, and Senate consideration of proposed legislation be suspended and that the provisions of the Senate rules governing those time periods prevail.

The resolution was read and was adopted by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 4

Senator Brooks offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Senate and the House meet in Joint Session in the Hall of the House of Representatives at 11 a.m., January 22, 1985; and, be it further

RESOLVED, That the Honorable John Hill, Chief Justice of the Supreme Court of Texas, be and is hereby invited to address the Regular Session of the 69th Legislature in Joint Session on the State of the Judiciary at said time.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

ELECTION OF PRESIDENT PRO TEMPORE FOR REGULAR SESSION OF THE SIXTY-NINTH LEGISLATURE

The President announced the election of the President Pro Tempore for the Regular Session of the 69th Legislature as the next order of business.

Senator Jones placed in nomination the name of Senator Ray Farabee of Wichita Falls as the President Pro Tempore of the Senate, Regular Session, 69th Legislature.

Senators Brooks, Caperton, Traeger, Mauzy, Uribe, Leedom, Blake, Williams, Santiesteban, Truan, Sarpalius, Howard and Edwards seconded the nomination.

Senator Farabee was elected unanimously and declared President Pro Tempore for the Regular Session of the 69th Legislature.

The President announced the appointment of the following Members to escort Senator Farabee to the Rostrum: Senators Brooks, Jones, Mauzy, Parker and Traeger.

The Honorable John L. Hill, Chief Justice of the Supreme Court of Texas, administered the Constitutional Oath of Office to Senator Farabee.

President Pro Tempore Farabee addressed the Senate, expressing his appreciation to the Members and Lieutenant Governor Bill Hobby and to his wife, Helen Farabee.

APPOINTMENT OF STANDING COMMITTEES

The President announced the appointment of the following as Standing Committees of the Senate of the 69th Legislature:

ECONOMIC DEVELOPMENT

Harris, Chairman
Glasgow, Vice Chairman
Blake
Henderson

INTERGOVERNMENTAL RELATIONS

Traeger, Chairman
Leedom, Vice Chairman
Barrientos
Brown

Howard
Jones
Leedom
Montford
Parmer
Sims
Traeger

EDUCATION

Parker, Chairman
Truan, Vice Chairman
Barrientos
Caperton
Edwards
Jones
Krier
Mauzy
Sarpalius
Uribe
Williams

FINANCE

Jones, Chairman
Howard, Vice Chairman
Blake
Brooks
Caperton
Farabee
Glasgow
Harris
McFarland
Parker
Santiesteban
Sharp
Traeger

HEALTH AND
HUMAN RESOURCES

Brooks, Chairman
Uribe, Vice Chairman
Barrientos
Edwards
Parmer
Sharp
Truan
Washington
Whitmire

SUBCOMMITTEE ON
HEALTH SERVICES

Truan, Chairman
Whitmire, Vice Chairman

Kothmann
Mauzy
Parmer
Sharp
Sims
Whitmire
Williams

JURISPRUDENCE

Mauzy, Chairman
Brown, Vice Chairman
Henderson
Krier
Montford
Parker
Whitmire

CRIMINAL JUSTICE

Caperton, Chairman
McFarland, Vice Chairman
Farabee
Glasgow
Lyon
Santiesteban
Washington

NATURAL RESOURCES

Santiesteban, Chairman
Williams, Vice Chairman
Brown
Kothmann
Krier
Lyon
Montford
Sarpalius
Sims
Truan
Uribe

SUBCOMMITTEE ON AGRICULTURE

Sarpalius, Chairman
Sims, Vice Chairman

Edwards
Parmer
Sharp

Kothmann
Lyon
Uribe

STATE AFFAIRS

Farabee, Chairman
Kothmann, Vice Chairman
Blake
Brooks
Edwards
Harris
Henderson
Howard
Leedom
Lyon
McFarland
Sarpalius
Washington

SUBCOMMITTEE ON WATER

Montford, Chairman
Brown, Vice Chairman
Krier
Truan
Williams

SPECIAL COMMITTEES

ADMINISTRATION

Blake, Chairman
Traeger, Vice Chairman
Brooks
Caperton
Farabee
Harris
Howard
Jones
Mauzy
Parker
Santiesteban

NOMINATIONS

Howard, Chairman
Kothmann, Vice Chairman
Blake
Brooks
Edwards
Harris
McFarland

MOTION IN WRITING

Senator Brooks submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready for business.

BROOKS

The motion was read and was adopted.

Accordingly, the President announced the appointment of the following as a Committee to Notify the Governor: Senators Brooks, Caperton, Jones, Krier and Mauzy.

MOTION IN WRITING

Senator Brooks submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the House of Representatives that the Senate is organized and ready for business.

BROOKS

The motion was read and was adopted.

Accordingly, the President announced the appointment of the following as a Committee to Notify the House of Representatives: Senators Barrientos, Lyon, McFarland, Uribe and Whitmire.

SENATE RESOLUTION 9

Senator Truan offered the following resolution:

S.R. 9, In memory of The Honorable Horace Young, Justice of the 13th Court of Appeals.

The resolution was read and was adopted by a rising vote of the Members of the Senate.

CO-AUTHOR OF SENATE BILL 1

On motion of Senator Jones and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 1**.

CO-AUTHOR OF SENATE BILL 28

On motion of Senator Farabee and by unanimous consent, Senator Mauzy will be shown as Co-author of **S.B. 28**.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.R. 8 by Mauzy Administration
Providing for Permanent Rules of the Senate of the 69th Legislature.

S.C.R. 1 by Leedom State Affairs
Directing State Treasury Department to investigate potential benefits of enhancing and supplementing financial management services made available to political subdivisions of State.

S.C.R. 2 by Barrientos Jurisprudence
Granting Third Coast Video, Inc., permission to sue the State of Texas.

S.C.R. 3 by Leedom State Affairs
Directing Legislative Budget Board to study the State Treasury funds and make recommendations for implementation of new State financial management procedures.

S.J.R. 1 by Uribe State Affairs
Proposing a constitutional amendment relating to permitting the state to conduct a lottery.

S.J.R. 2 by Jones State Affairs
Proposing a constitutional amendment to create a judicial nominating commission and to provide for the merit selection of judges of the appellate courts.

S.J.R. 3 by Whitmire Finance
Proposing a constitutional amendment relating to property tax relief for residence homesteads.

S.J.R. 4 by Caperton, Farabee State Affairs
Proposing a constitutional amendment relating to the merit selection of and retention elections for certain judicial officers.

- S.J.R. 5** by Mauzy Jurisprudence
Proposing a constitutional amendment relating to magistrates for district courts.
- S.B. 1** by Howard, Jones, Brown Finance
Relating to an emergency pay raise for state employees.
- S.B. 2** by Farabee, Caperton, Education
Edwards, Glasgow, Lyon, Sarpalius
Relating to the use of the small school district adjusted allotment in determining the amount of special allotments under the foundation school program.
- S.B. 3** by Barrientos Finance
Relating to the amount of the state's contribution to the uniform plan of group insurance for state employees and an appropriation for the purpose.
- S.B. 4** by Edwards, Farabee State Affairs
Relating to the selection of delegates to national presidential nominating conventions; providing a penalty.
- S.B. 5** by Traeger Jurisprudence
Relating to the establishment and administration of probation offices in certain judicial districts.
- S.B. 6** by Parker Health and Human Resources
Relating to the housing functions of the Texas Department of Community Affairs and the Texas Housing Agency.
- S.B. 7** by Brown Criminal Justice
Relating to the punishment for certain offenses committed against a school employee or committed on the premises of a school or school-related activity.
- S.B. 8** by Brown Natural Resources
Relating to the creation, directors, personnel, administration, powers, duties, operations, functions, and financing of the Brazosport Water Authority, pursuant to Article XVI, Section 59, of the Texas Constitution.
- S.B. 9** by Leedom State Affairs
Relating to the date of the state convention of certain political parties.
- S.B. 10** by Leedom Finance
Relating to the time and methods of payment of certain state taxes.
- S.B. 11** by Uribe State Affairs
Relating to the establishment and operation of a state lottery; providing penalties.
- S.B. 12** by Sarpalius State Affairs
Relating to exempting certain personal property from satisfaction of liabilities.
- S.B. 13** by Sarpalius Economic Development
Relating to the exemption from registration of the sale and issuance of nonprofit cooperative association securities.
- S.B. 14** by Sarpalius Finance
Relating to an exemption from the corporation franchise tax for certain nonprofit corporations that distribute their earnings and savings on a patronage basis only.
- S.B. 15** by Sarpalius Finance
Relating to exemptions from the sales tax for certain amusement services and related parking services.
- S.B. 16** by Sarpalius State Affairs
Relating to application of width regulations to vehicles carrying implements of husbandry on public highways.

- S.B. 17** by Sarpalius State Affairs
Relating to the registration of a semitrailer used in combination with a commercial motor vehicle used primarily for farm purposes.
- S.B. 18** by Sarpalius Criminal Justice
Relating to the Penal Code definition of obscenity.
- S.B. 19** by Parmer State Affairs
Relating to representation of persons before state agencies by members of the legislature; providing a penalty.
- S.B. 20** by Parmer State Affairs
Relating to registration of members of the legislature who represent other persons before state agencies; providing a penalty.
- S.B. 21** by Sarpalius State Affairs
Relating to compliance with federal highway legislation by revising alcoholic beverage regulations relating to age.
- S.B. 22** by Parmer State Affairs
Relating to conflicts of interest involving certain public officers and employees; providing penalties.
- S.B. 23** by Harris, Parmer Criminal Justice
Relating to capital punishment for murder of two or more persons and for murder if the actor has previously been convicted of murder or capital murder.
- S.B. 24** by Williams Education
Relating to tutorial services in the public schools.
- S.B. 25** by Williams, Lyon Education
Relating to paperwork reduction efforts in the public schools and penalties for failure to do so.
- S.B. 26** by Jones, Brown State Affairs
Relating to the continuation of state agencies.
- S.B. 27** by Jones Intergovernmental Relations
Relating to the repeal of certain legal provisions concerning the lease or sale of a county hospital.
- S.B. 28** by Farabee, Mauzy State Affairs
Repealing Chapter 15, Acts of the 57th Legislature, 1st Called Session, 1961 (Article 9001, Vernon's Texas Civil Statutes), relating to the sale of goods on both the two consecutive days of Saturday and Sunday.
- S.B. 29** by Parmer Criminal Justice
Relating to the creation of the offense of burglary of a habitation at nighttime and the punishment and sentencing for that offense.
- S.B. 30** by Parmer Criminal Justice
Relating to the offense of theft when committed by a person who appropriates property that he knows or believes is stolen.
- S.B. 31** by Parmer Criminal Justice
Relating to the creation of the offense of and punishment for using or exhibiting a handgun during the commission of a felony offense.
- S.B. 32** by Farabee Health and Human Resources
Relating to the authority of a justice of the peace or a medical examiner to permit the taking of corneal tissue, body parts, and other tissues for transplants and

providing immunities in certain civil suits; amending Chapter 11, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 4590-4, Vernon's Texas Civil Statutes).

S.B. 33 by Farabee Health and Human Resources
Relating to the transfer of human organs for valuable consideration and to offers to make such transfers; defining an offense and providing for a penalty; adding a new Article 4590-6 to Chapter 13, Title 71, Revised Statutes, as amended.

S.B. 34 by Williams Economic Development
Relating to the regulation of health spa services; providing criminal and civil penalties and enforcement procedures, and providing private actions for damages.

S.B. 35 by McFarland Intergovernmental Relations
Relating to the participation by joint airports in law enforcement interlocal assistance agreements with counties and municipalities.

S.B. 36 by Jones Jurisprudence
Relating to a presumption concerning prosecution of an offense of the law regarding parking places for disabled persons.

S.B. 37 by Brown, Glasgow Criminal Justice
Relating to jury instructions on parole and good conduct time credit.

S.B. 38 by Sarpalius Criminal Justice
Relating to challenging potential jurors for cause on grounds of certain misdemeanor theft convictions or accusations.

S.B. 39 by Blake State Affairs
Relating to vehicle identification numbers on motor vehicles, trailers, and semitrailers.

S.B. 40 by Traeger, Brooks Health and Human Resources
Relating to a program to furnish certain medical, facility, emergency medical transportation, educational, and associated services to eligible low-income women and infants; and declaring an emergency.

S.B. 41 by Jones Natural Resources
Relating to the tax authority of the Montgomery County Flood Control District.

S.B. 42 by Leedom State Affairs
Relating to the authority of the comptroller of public accounts to make certain payments through an electronic funds transfer system.

S.B. 43 by Leedom State Affairs
Relating to the acquisition, disposition, and management of certain property belonging to the state.

S.B. 44 by Traeger State Affairs
Relating to compensation of members of the State Pension Review Board.

S.B. 45 by Traeger State Affairs
Relating to enforcement of administrative requirements applicable to certain public retirement systems.

S.B. 46 by Edwards, Sharp Economic Development
Relating to rates for local telephone service.

S.B. 47 by Edwards Education
Relating to speech language pathologists and audiologists employed by public schools.

S.B. 48 by Lyon, Sharp Health and Human Resources
Relating to the authority of the department of human resources to obtain criminal records from the Department of Public Safety or the Federal Bureau of Investigation identification division.

S.B. 49 by Brooks Intergovernmental Relations
Relating to the administration of a 9-1-1 emergency telephone number system in certain counties and adjacent territory.

S.B. 50 by Brooks Jurisprudence
Relating to the designation of smoking areas in public places and at public meetings and the creation of the offense of smoking or possessing burning tobacco in a public place or at a public meeting in an area not designated as a smoking area.

S.B. 51 by Brooks Health and Human Resources
Relating to the requirement that certain hospitals furnish information to the state cancer registry.

S.B. 52 by Brooks Jurisprudence
Relating to the offense of providing a tobacco product to a person under the age of 21 years.

S.B. 53 by Brooks Health and Human Resources
Relating to the establishment of the Texas Cancer Council and its relationship to the Texas Department of Health.

S.B. 54 by Santiesteban Natural Resources
Relating to the expenditure of funds for the operation and maintenance of the Franklin Mountains State Park.

S.B. 55 by Caperton, Farabee State Affairs
Relating to the offices of judge or justice of the supreme court, the court of criminal appeals, and the courts of appeals.

S.B. 56 by Farabee, Caperton State Affairs
Relating to the nonpartisan nomination and election of certain judicial officers; providing a penalty; amending the Texas Election Code by adding Section 229a; Subdivision 3a to Section 61; Paragraph (e) to Subdivision 3 of Section 61c; and Subsection (e) to Section 187; and by amending Section 180; Subsection (c), Section 186; and Subdivision (1), Section 227 (Articles 6.05, 6.05c, 13.02, 13.08, 13.09, and 13.50, Vernon's Texas Election Code, respectively).

S.B. 57 by Caperton, Farabee, Brooks State Affairs
Relating to ballots, marking, and voting systems in the election of certain judicial officers; amending the Texas Election Code, as amended, by amending Subdivision 7 of Section 61, Section 61b, Subdivision 1 of Section 61c, Section 62, Section 8 of Section 79, and Subdivisions 4 and 11 of Section 80 (Articles 6.05, 6.05b, 6.05c, 6.06, 7.14, and 7.15, Vernon's Texas Election Code).

S.B. 58 by Blake Intergovernmental Relations
Relating to the application of the Professional Prosecutors Act to the criminal district attorney of Jasper County.

S.B. 59 by Lyon Criminal Justice
Relating to the payment of fines, costs, and fees as a condition of parole.

S.B. 60 by Lyon Criminal Justice
Relating to the period of a court's continuing jurisdiction over a prisoner sentenced to the Texas Department of Corrections.

- S.B. 61** by Lyon Criminal Justice
Relating to the testimony of one spouse against the other in a criminal prosecution.
- S.B. 62** by Lyon State Affairs
Relating to the importation of liquor for personal use.
- S.B. 63** by Brown Natural Resources
Relating to the regulation of the use of pesticides; providing penalties.
- S.B. 64** by Jones Finance
Relating to administrative review of property tax determinations.
- S.B. 65** by Jones State Affairs
Relating to filling certain vacancies on the Legislative Budget Board, Legislative Library Board, or Legislative Audit Committee.
- S.B. 66** by Edwards State Affairs
Relating to the selection of delegates to national presidential nominating conventions; providing a penalty.
- S.B. 67** by Jones Finance
Relating to the appraisal for ad valorem taxation of property reported to have decreased in value.
- S.B. 68** by Leedom State Affairs
Relating to the investment of state funds.
- S.B. 69** by Leedom State Affairs
Relating to the amount of collateral required to qualify as a state depository.
- S.B. 70** by Leedom State Affairs
Relating to the allocation of interest on state funds.
- S.B. 71** by Leedom State Affairs
Relating to the renewal fee for a license to operate a youth camp.
- S.B. 72** by Farabee Jurisprudence
Relating to the creation of offenses involving breach of computer security.
- S.B. 73** by Blake Intergovernmental Relations
Relating to the application of the Professional Prosecutors Act to certain district attorneys.
- S.B. 74** by Mauzy State Affairs
Relating to political party affiliation; providing penalties.
- S.B. 75** by Mauzy Intergovernmental Relations
Relating to eligibility for the board of trustees of the Texas Municipal Retirement System.
- S.B. 76** by McFarland Jurisprudence
Relating to the eligibility of certain victims of domestic violence to receive benefits under the Crime Victims Compensation Act.
- S.B. 77** by Blake Natural Resources
Relating to lighting requirements for certain motorboats.
- S.B. 78** by Jones Intergovernmental Relations
Relating to the attorney representing the state before the courts in Coleman County.
- S.B. 79** by Jones Finance
Relating to the terms of the board of directors of an appraisal district.

S.B. 80 by Jones Intergovernmental Relations
Relating to the supplemental compensation of the judges of the district courts having jurisdiction in Taylor County.

S.B. 81 by Santiesteban Criminal Justice
Relating to the term of commitment of certain children to the Texas Youth Commission.

S.B. 82 by Jones State Affairs
Relating to municipal regulation of the possession and consumption of alcoholic beverages in public places.

S.B. 83 by Williams Finance
Relating to the qualifications of alcohol and gasoline mixtures for credits under the motor fuel tax.

S.B. 84 by Mauzy Jurisprudence
Relating to criminal law magistrates for district courts.

S.B. 85 by Mauzy State Affairs
Relating to the procedure for verifying voters' signatures on carrier envelopes for absentee ballots voted by mail.

S.B. 86 by Mauzy State Affairs
Relating to required disclosure of financial interests, activities, and gifts by elective county officers and candidates for elective county office; providing standards of conduct; providing a penalty.

S.B. 87 by Blake, Sarpalius Natural Resources
Relating to the state's participation in the construction of certain specified reservoir projects through one of the state's storage acquisition programs.

S.B. 88 by Mauzy, Brooks Jurisprudence
Relating to the reimbursement of jurors for travel and other expenses.

S.B. 89 by Mauzy State Affairs
Relating to the prohibiting of certain practices by holders of alcoholic beverage on-premises licenses and permits.

S.B. 90 by Uribe State Affairs
Relating to elections creating navigation districts and authorizing the issuance of bonds; amending Art. 2.01b, Texas Election Code to permit elections on the questions of the creation of navigation districts and issuance of bonds to occur on other than uniform election dates; and providing for an emergency.

S.B. 91 by Leedom State Affairs
Relating to providing the legislature with information about the effect of proposed legislation on management of state funds.

S.B. 92 by Farabee Economic Development
Relating to the regulation of time-share interests; giving the Texas Real Estate Commission and the attorney general certain authority; making violations subject to Section 17.46, Deceptive Trade Practices-Consumer Protection Act, Subchapter E, Chapter 17, Business & Commerce Code.

S.B. 93 by Mauzy State Affairs
Relating to the qualifications of election judges and clerks; amending Subsection (b), Section 17, Texas Election Code (Article 3.03, Vernon's Texas Election Code).

S.B. 94 by Mauzy State Affairs
Relating to expansion of the preference given Texas and American bidders for state purchasing contracts.

S.B. 95 by Mauzy Jurisprudence
Relating to the assignment of judges by the presiding judges of administrative judicial districts.

S.B. 96 by Mauzy State Affairs
Relating to creation of the offense of conducting a poll of voters at a polling place on election day.

S.B. 97 by Mauzy Jurisprudence
Relating to the assignment of judges to district courts giving preference to family law matters.

S.B. 98 by Mauzy State Affairs
Relating to the date of the state conventions of certain political parties.

S.B. 99 by Montford, Brown Criminal Justice
Relating to capital murder when the murder of a child or an elderly individual is involved.

S.B. 100 by Leedom State Affairs
Relating to the creation, powers, and duties of a state cash flow policy committee.

HOUSE OF REPRESENTATIVES NOTIFIED

The Committee to Notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Barrientos for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged by the President.

(Senator Barrientos in Chair)

GOVERNOR NOTIFIED

The Committee to Notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Brooks for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged by the Presiding Officer.

MEMORIAL RESOLUTIONS

S.R. 4 - By Howard: Memorial resolution for William J. Atwell.

S.R. 6 - By Howard: Memorial resolution for Joe W. Steed.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 2 - By Mauzy: Extending congratulations to Alan Meador.

S.R. 5 - By Howard: Extending congratulations to Johnnie and Liz Taylor.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:05 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

SECOND DAY

(Wednesday, January 9, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Washington, Whitmire, Williams.

Absent-excused: Truan.

A quorum was announced present.

The Reverend Clinton C. Rabb, McKinley Avenue United Methodist Church of San Antonio, offered the invocation as follows:

God, mighty King and Lord of rulers, fill this chamber with Your spirit. Look upon and bless these Your servants, the leaders of this State.

Give them passion for truth.

Give them courage to hold steady in the struggle for justice.

Give them pause to consider the welfare of all our people.

Give them clarity of mind to act decisively.

We give thanks to You for these persons and for their families who leave the shelter of private life and risk the exposure of public life in order to serve the people of this State.

Your kingdom come on earth as it is in heaven. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Truan was granted leave of absence for today on account of death in family on motion of Senator Mauzy.

CO-AUTHOR OF SENATE BILL 88

On motion of Senator Mauzy and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 88.

SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate and Representative Schlueter for the Committee notified the President and Members of the Senate that the House was organized and ready to transact business.